

The resolution was read and was adopted.

The Choir was invited to enter the Senate Chamber.

Senator Willis presented Mr. Bragg and the Choir rendered two selections for the pleasure of the Senate.

Senator Willis then expressed the appreciation of the Members of the Senate to Mr. Bragg and the Members of the Choir.

#### Adjournment

On motion of Senator Hardeman the Senate at 11:57 o'clock a.m. adjourned until 10:00 o'clock a.m. on Monday, June 15, 1959.

#### Record of Votes

Senator Colson, Owen and Willis asked to be recorded as voting "nay" on the motion to adjourn.

#### TENTH DAY

(Monday, June 15, 1959)

The Senate met at 10:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"Holy Father, as Thou didst change the darkness of the night into the light of a new day, so we pray that Thou wilt change these dark and disappointing days into the light of Thy presence. Give us faith for our fears; hope in despair; comfort for our sor-

rows; and strength sufficient for our task. For Christ's sake. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Friday, June 12, 1959, was dispensed with and the Journal was approved.

#### Senate Resolution 105

Senator Krueger offered the following resolution:

Whereas, The Fifteenth Session of Blue Bonnet Girls State sponsored by the American Legion Auxiliary, Department of Texas, is now in session at the Texas School for the Blind, Austin, Texas; and

Whereas, The election of the State Officials of Blue Bonnet Girls State was held Sunday, June 14, 1959; and

Whereas, Linda Selk of El Campo, Texas, was elected Lieutenant Governor of the Fifteenth Session of Blue Bonnet Girls State; now, therefore, be it

Resolved, By the Senate of the State that congratulations be extended to Lieutenant Governor Selk, her State Officials and all of the citizens of Blue Bonnet Girls State who are today visiting the State Capitol for the purpose of inaugurating the State Officials and visiting the House of Representatives and the Senate of the State of Texas.

The resolution was read and was adopted.

#### Senate Resolution 106

Senator Baker offered the following resolution:

Whereas, The Fifteenth Session of Blue Bonnet Girls State sponsored by the American Legion Auxiliary, Department of Texas, is now in session at the Texas School for the Blind, Austin, Texas; and

Whereas, the election of the State Officials of Blue Bonnet Girls State was held Sunday, June 14, 1959; and

Whereas, Virginia Mead of Houston, Texas, was elected Governor of the Fifteenth Session of Blue Bonnet Girls State; now, therefore, be it

Resolved, By the Senate of the State of Texas that congratulations be extended to Governor Mead, her State Officials and all of the citizens of Blue Bonnet Girls State who are today visiting the State Capitol for the purpose of inaugurating the State Officials and visiting the House of

Representatives and the Senate of the State of Texas.

The resolution was read and was adopted.

#### Resolutions Signed

The President signed in the presence of the Senate after the captions had been read, the following enrolled resolutions:

H. C. R. No. 6, Granting permission to Tom Hawkins et al. to sue the State of Texas and the State Highway Department.

H. C. R. No. 7, Granting permission to Lois Bryan and J. W. Bryan to sue the State of Texas and the Texas Highway Department.

H. C. R. No. 8, Granting permission to Herbert Clubb to sue the State of Texas and the State Highway Department.

H. C. R. No. 13, Granting permission to Maurice G. Wogan to sue the State of Texas and/or the Texas Prison System.

H. C. R. No. 19, Requesting further study by the Commission on Higher Education of the request by Del Mar College.

H. C. R. No. 23, Relative to the Texas Legislature examining all proposed legislation relating to business, industry, and agriculture in terms of its effect upon the business climate of the State.

H. C. R. No. 22, Authorizing the State Board of Control to provide physical facilities for the proper installation of electronic equipment in accordance with Senate Bill No. 402.

#### Senate Resolution 108

Senator Baker offered the following resolution:

Whereas, Dr. Michael E. DeBakey, the far-famed head of the department of surgery at Baylor College of Medicine in Houston, was presented the American Medical Association's Distinguished Service Award at the 1959 annual convention of that Association; and

Whereas, This award was presented in recognition of his major contributions to heart and blood vessel surgery, his latest great achievement

demonstrating that operations can relieve paralysis and other after effects resulting from blockages of blood flow to the brain; and

Whereas, Dr. DeBakey, in his field of cardio-vascular surgery, has already saved numerous lives and contributed to the comfort and cure of countless sufferers; and

Whereas, This operation was the result of a six-year study by Dr. DeBakey and others, and represents untold hours of research and dedicated service to humanity; and

Whereas, This is but one of the many honors bestowed upon Dr. DeBakey during the years since he was graduated in medicine from Tulane University in 1937: He was awarded the Legion of Merit in 1946, was named President of the Society of Vascular Surgery in 1953, received the Rudolph Matas Award in 1954, and was given the Hektoen Gold Medal by the American Medical Association; and

Whereas, In collaboration with other physicians and surgeons he is author of outstanding medical works, among them Blood Transfusion, 1942, Battle Casualties, 1952, and a textbook on Minor Surgery, 1955; now therefore be it

Resolved, That the Senate of the State of Texas join citizens of Houston, the staff of Baylor College of Medicine, and all members of the medical profession in expressing pride in and appreciation of the outstanding contributions to medicine and surgery made by Dr. DeBakey; and be it further

Resolved, That this Resolution be printed in the permanent Journal of the Senate, and that an engrossed copy be sent to Dr. DeBakey.

The resolution was read and was adopted.

#### Senate Resolution 109

Senator Aikin offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate Mrs. Joe N. Chapman, wife of our distinguished colleague, Joe N. Chapman of Sulphur Springs; and

Whereas, We desire to welcome this distinguished visitor to the Capitol Building and Capital City; now, therefore, be it

Resolved, That her presence be recognized by the Senate of Texas and

that she be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Aikin by unanimous consent presented Mrs. Joe Chapman to the Members of the Senate.

#### Senate Resolution 110

Senator Hudson offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate a group of boys from Friday Mountain Boys Camp; and

Whereas, We desire to welcome these visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Hudson by unanimous consent presented the boys to the Members of the Senate.

#### Report of Standing Committee

Senator Fly submitted the following report:

Austin, Texas,  
June 12, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred H. B. No. 26, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

FLY, Chairman.

#### House Bill 26 Ordered Not Printed

On motion of Senator Fly and by unanimous consent H. B. No. 26 was ordered not printed.

#### Presentation of Guests

Senator Baker by unanimous consent presented the Governor and Lieutenant Governor of Bluebonnet Girls' State together with the Members of the Senate of Bluebonnet Girls' State to the Members of the Senate.

Senator Hudson also presented Miss

Marilyn Wood of Donna, the former Governor of Bluebonnet Girls' State to the Members of the Senate.

#### House Bill 5 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 5, A bill to be entitled "An Act implementing the provisions of Section 49a of Article III of the Constitution of Texas; stating the information the Comptroller is required to furnish the Legislature and the Governor; providing the procedures for arriving at the financial condition of the State in making certifications required in Section 49a of Article III of the Constitution of Texas; providing the Comptroller shall revise his current estimate in accordance therewith; amending Section 2, Article XX, Chapter 184, Acts of the Forty-seventh Legislature, Regular Session, 1941, as amended, concerning the allocation of moneys; repealing all laws or parts of laws in conflict herewith; providing the provisions of the Act are not severable; making other provisions relating thereto; and declaring an emergency."

The bill was read second time.

By unanimous consent Senator Aikin withdrew the Committee Amendment to the bill.

Senator Aikin offered the following amendment to the bill:

"Amend House Bill 5 by striking out all below the Enacting Clause and substitute in lieu thereof the following:

Section 1. a. In preparing the financial statements and in making the itemized estimates required by Article III, Section 49a, of the State Constitution, the Comptroller of Public Accounts shall take into consideration his estimate of the probable receipts and disbursements as of August 31st for the then current fiscal year.

The words "probable receipts" shall mean and include all such moneys estimated by the Comptroller to be received by the State through August 31st of the then current fiscal year; and his financial statements shall show the fund or funds to which such receipts are to be credited.

The words "probable disbursements" shall mean, and the Comptroller shall consider and report under such term,

only those payments estimated to be made and warrants which will be issued by the State through August 31st of the then current fiscal year.

In addition thereto, for the information of the Governor and the Legislature the Comptroller shall list other outstanding appropriations which may exist after the end of the then current fiscal year, but they shall not be deducted from the cash condition of the Treasury or the anticipated revenues of the next biennium for the purpose of certification.

It is the Legislative intent that the Comptroller's reports, estimates, and certifications of available funds in each instance shall be based upon the actual or estimated cash condition of the State Treasury and that outstanding and undisbursed appropriations at the end of each biennium shall be considered as probable disbursements of the succeeding biennium in the same manner that earned but uncollected income of a current biennium is considered in probable receipts of the succeeding biennium. The provisions of this Act shall be immediately effective and the Comptroller shall revise his current report and estimates in accordance therewith.

b. In carrying out the duties imposed upon the Comptroller of Public Accounts by Section 49a of Article III of the Constitution of the State of Texas, the Comptroller shall, in submitting to the Legislature and the Governor estimates of anticipated revenues, set forth in his estimate report the detailed calculations and all other pertinent information considered by him in arriving at such estimates.

There is hereby created the Committee on State Revenue Estimates which shall be composed of the Governor, or his duly appointed representative, who shall serve as Chairman, the Director of the Legislative Budget Board, and the State Auditor. The Committee shall carefully review all revenue estimates prepared and submitted by the Comptroller of Public Accounts pursuant to Section 49a of Article III of the Constitution of the State of Texas and shall report the result of such review in an official public document to the Budget Division of the Governor's Office, the Legislature and the Comptroller. The Comptroller shall furnish additional information to the Committee, as it may deem necessary, to clarify any of the revenue estimates contained in the estimate report.

Sec. 2. Subsections (1), (2), (3), (4), (4-b), (4-c) and (6) of Section 2, Article XX of Chapter 184, Acts of the Forty-seventh Legislature, Regular Session, 1941, as amended (compiled as Article 7083a, Vernon's Civil Statutes of Texas), are hereby further amended so as to read respectively as follows:

"(1) There shall be allocated, transferred and credited to the Special Fund in the Treasury known as the 'Blind Assistance Fund' for the purpose of providing assistance to the blind in the manner as authorized by Senate Bill No. 36, Acts of the Regular Session, Forty-sixth Legislature, 1939, and any amendments thereto, the sum of One Million, Three Hundred and Fifty Thousand, Four Hundred Dollars (\$1,350,400) for the fiscal year beginning September 1, 1959, and for each fiscal year thereafter, said amount to be provided for on a basis of equal monthly payments payable on the first day of each calendar month."

"(2) There shall be allocated, transferred and credited to the Special Fund in the Treasury known as the 'Children's Assistance Fund' for the purpose of providing assistance on behalf of dependent children in the manner as authorized by Senate Bill No. 36, Acts of the Regular Session, Forty-sixth Legislature, 1939, and any amendments thereto, the sum of Three Million, Nine Hundred Thousand Dollars (\$3,900,000) for the fiscal year beginning September 1, 1959, and for each fiscal year thereafter, said amount to be provided on the basis of equal monthly payments payable on the first day of each calendar month."

"(3) Beginning with the fiscal year starting on September 1, 1959, and annually thereafter, there is hereby allocated and appropriated to the Teacher Retirement System of Texas in accordance with the provisions of Senate Bill No. 47, Acts of the Regular Session, Forty-fifth Legislature, 1937, and any amendments thereto, a sum each year equivalent to the contributions of the members of the Teachers Retirement System during said year. Said annual allocated and appropriated amounts shall be paid to the Teacher Retirement System in equal installments during the months of November, December, March, April, June and July of each fiscal year beginning with the year starting September 1, 1959, based upon the annual estimate by the State Board of

Trustees of the Teacher Retirement System of the contributions to be received from the members of said System during each such fiscal year; provided further, that in the event said estimate of the contributions of the members of the System shall vary from the actual amount of the teachers' contributions during the year, then such adjustments as may be required shall be made on the first day of the following fiscal year with any moneys in or due the General Revenue Fund."

"(4) After the above allocations and payments have been made from such 'Clearance Fund' there shall be allocated, transferred and credited to the Special Fund in the Treasury known as the 'Old Age Assistance Fund' for the purpose of providing assistance to the needy aged in the manner as authorized by Senate Bill No. 36, Acts of the Regular Session, Forty-sixth Legislature, 1939, and any amendments thereto, such sum as is required, when taken together with any other funds received from any other sources by reason of other State Laws still in effect, which will total Forty Million Dollars (\$40,000,000) for the fiscal year beginning September 1, 1959, and for each fiscal year thereafter, said allocation to be provided in monthly installments, one (1) installment being payable on the first day of each calendar month.

"If, on the first day of any calendar month, the amount on that day transferred from the 'Clearance Fund' to the 'Blind Assistance Fund,' the 'Children's Assistance Fund,' and the 'Old Age Assistance Fund' is not sufficient to provide the allocations from State Funds as herein provided for that month, then in that event, there shall be deposited to the credit of the 'Blind Assistance Fund,' the 'Children's Assistance Fund,' or the 'Old Age Assistance Fund' from the first revenues collected after the first day of the month, which would otherwise go into the General Revenue Fund, such sum, as with the balance on hand in the Fund plus the payment from the 'Clearance Fund' will make available in the various Funds the total amount of State Funds for that month as is herein provided.

"The allocations shall be and are in lieu of all other State allocations for aid to the blind, aid to dependent children, and old age assistance, and such allocations and appropriations shall not include any funds received from the Federal Government.

"None of the money herein allocated for old age assistance payments, aid to the blind payments, or aid on behalf of needy children shall be used for the purpose of paying assistance to any person who disposes of property, either personal or real, for the purpose of qualifying or increasing need for assistance, provided that the property, if still available, would affect either eligibility or the amount of the assistance payment."

"(4-b) After the above allocations and payments have been made from such Clearance Fund, beginning with the fiscal year September 1, 1959, and annually thereafter, there is hereby appropriated, allocated, transferred, and credited, to a fund to be known as the Farm-to-Market Road Fund of the State Highway Department of the State of Texas the sum of Fifteen Million Dollars (\$15,000,000) per year for the construction of Farm-to-Market Roads by the State Highway Department within the State of Texas. The transfer, allocation, and payment herein provided shall be made in equal installments during the months of April, May, June, July, and August of each fiscal year beginning with the fiscal year starting September 1, 1959, or as funds therefor become available.

"The State Highway Department shall use the funds herein made available for the construction of Farm-to-Market Roads, meaning roads in rural areas including feeder roads, secondary roads, school bus routes, rural mail routes, milk routes, etc., and not a part of the designated State Highway System or the designated Primary Federal Aid Highway System.

"These funds shall be expended on a system of roads selected by the State Highway Department after consultation with the County Commissioners Courts of the counties of Texas relative to the most needed unimproved rural roads in the counties involved. The selections shall be made in a manner to insure equitable and judicious distribution of funds and work among the several counties of the State.

"The general characteristics of the roads to be selected are as follows:

"a. The roads shall not be potential additions to the Federal Aid Primary Highway System;

"b. The roads shall serve rural areas primarily and shall connect farms, ranches, rural homes and sources of natural resources such as oil, mines, timber, etc., and/or water

loading points, schools, churches and points of public congregation, including community developments and villages;

"c. The roads shall be capable of assisting in the creation of economic values in the areas served;

"d. The roads shall preferably serve as public school bus routes, or rural free delivery postal routes, or both;

"e. The roads shall be capable of early integration with the previously improved Texas Road System and at least one end should connect with a road already or soon to be improved on the State System of Roads.

"The above allocation shall be made irrespective of any other Subsection of this Section of this Article."

"(4-c). The allocations provided for in Section 2 of Article 7083a, Vernon's Texas Civil Statutes (Annotated), shall be made in the following manner:

"A. Of the amount in the Clearance Fund the following allocations shall be made on the first of each month, after the amounts for enforcement and the one-fourth ( $\frac{1}{4}$ ) to the Available School Fund are taken out:

"First. Section 2. (1) Blind Assistance Fund;

"Second. Section 2. (2) Children Assistance Fund;

"Third. Section 2. (4) Old Age Assistance Fund;

"Fourth. Section 2. (6) Disabled Assistance Fund.

"Provided, however, that in the months of April, May, June, July, and August of each fiscal year beginning with the fiscal year starting September 1, 1959, the transfer, allocation, and payment of Three Million Dollars (\$3,000,000) to the Farm-to-Market Road Fund of the State Highway Department shall be made on or before the fifth working day of such months and shall constitute a prior claim on the amount in the Clearance Fund described in this paragraph A. If for any of such months the amount remaining in the Clearance Fund is insufficient to provide for the full allocation due to the Farm-to-Market Road Fund of the State Highway Department, then and in that event, the balance of the amount needed for such full allocation or payment to such Fund shall be transferred and paid from any moneys in or otherwise due the General Revenue Fund.

"It is further provided that during

the months of November, December, March, April, June and July of each fiscal year beginning with the fiscal year starting September 1, 1959, one-sixth ( $\frac{1}{6}$ ) of the annual allocation and appropriation to the Teacher Retirement System shall be made during each of such months, and during such months such allocations or payments shall represent the sixth priority claim on the amount in the Clearance Fund described in this paragraph A. If for any of such months the amount remaining in the Clearance Fund is insufficient to provide for the full allocation due to the Teacher Retirement System, then and in that event, the balance of the amount needed for such full allocation or payment to such System shall be transferred and paid from any moneys in or otherwise due the General Revenue Fund.

"It is also provided that such adjustments as may be required by any variance between estimated and actual contributions by the members of such System, shall be made on the first day of the following fiscal year in the State's allocations or payments with any moneys in or otherwise due the General Revenue Fund.

"B. The cash balance in the Clearance Fund remaining after the amounts for enforcements and the one-fourth ( $\frac{1}{4}$ ) to the Available School Fund are taken out, and after the allocations described in paragraph A above have been made to the funds and for the purposes therein specified, shall be allocated on the fifth working day as follows:

"First. Section 2. (4-a) Foundation School Fund;

"Second. Balance to General Revenue Fund."

"C. Out of any and all receipts accruing to the Omnibus Tax Clearance Fund in August of each fiscal year, between the fifth working day in the month and the 31st of the month, after the amounts for enforcement and the one-fourth ( $\frac{1}{4}$ ) due the Available School Fund are taken out, the Comptroller is authorized and directed to calculate the next month's allocations due and payable under this Act to the Blind Assistance Fund, the Children's Assistance Fund, the Old Age Assistance Fund, and the Disabled Assistance Fund, in order to determine the residue of such receipts which could be credited to the General Revenue Fund; and the amount of such residue shall be credited to the

General Revenue Fund as of August 31st of each such fiscal year.

"D. All receipts due the Available School Fund deposited in the Omnibus Tax Clearance Fund in August of each fiscal year between the fifth working day in the month and the 31st day of the month shall be credited to the Available School Fund on August 31st of each fiscal year.

"(6) There shall be allocated, transferred, and credited to the Special Fund in the Treasury known as the 'Disabled Assistance Fund' for the purpose of providing assistance to the permanently and totally disabled in the manner as authorized by law or as hereafter may be authorized by law, during each fiscal year beginning with the fiscal year starting September 1, 1959, an amount which when added to any unobligated balance remaining in said Fund at the end of the preceding fiscal year shall aggregate the sum of One Million, Five Hundred Thousand Dollars (\$1,500,000), said amount to be provided for on the basis of equal monthly payments payable on the first day of each calendar month.

"If, on the first day of any calendar month, the amount on that day transferred from the 'Clearance Fund' to the 'Disabled Assistance Fund' is not sufficient to provide the allocation from State funds as herein provided for that month, then in that event, there shall be deposited to the credit of the 'Disabled Assistance Fund' from the first revenues collected after the first day of the month, which would otherwise go into the General Revenue Fund, after deposit of such revenues as provided in Subsection (4) of this Section, such sum, as with the Balance on hand in the Fund plus the payment from the 'Clearance Fund,' will make available in the 'Disabled Assistance Fund' the total amount of State Funds for that month as is herein provided.

"The allocation shall be and is in lieu of all other State allocations for permanently and totally disabled assistance and such allocation and appropriation shall not include any Funds received from the Federal Government."

Sec. 3. Section 25 of Article XVII of Chapter 184, Acts of the Forty-seventh Legislature, Regular Session, 1941 as last amended by Chapter 402, Acts of the Fifty-second Legislature, Regular Session, 1951, which is com-

plied as Article 7065b-25 of Vernon's Annotated Civil Statutes of Texas, is hereby amended so as to hereafter read as follows:

"A. Before any diversion or allocation of the motor fuel tax collected under the provisions of this Article is made, one per cent (1%) of the gross amount of said tax shall be set aside in the State Treasury in a special fund, to the use of the Comptroller in the administration and enforcement, of the provisions of this Article, and so much of said proceeds of one per cent (1%) of the motor fuel tax paid monthly as may be needed in such administration and enforcement, be and is hereby appropriated for said purpose. Any unexpended portion of said fund so specified shall, at the end of each fiscal year, revert to the respective funds in the proper proportions to which the Motor Fuel Tax Fund is allocated at the end of each fiscal year.

"B. Each month the Comptroller of Public Accounts, shall, after making the deductions for refund purposes as provided in Section 13 of this Article, and for the enforcement of the provisions of this Article, allocate and deposit the remainder of the taxes collected under the provisions of this Article, in the proportions as follows: One-fourth ( $1/4$ ) of such tax shall go to, and be placed to the credit of, the Available Free School Fund; one-half ( $1/2$ ) of such tax shall go to and be placed to the credit of the State Highway Fund for the construction and maintenance of the State Road System under existing laws; and from the remaining one-fourth ( $1/4$ ) of such tax the Comptroller shall: (1) place to the credit of the County and Road District Highway Fund an amount determined by the Board of County and District Road Indebtedness and certified by the Board to the Comptroller of Public Accounts prior to August 31 each year, for the fiscal year beginning September 1 each year, to be required in addition to any and all funds already on hand, for the payment by the Board of the principal, interest and sinking fund requirements for such year, on all bonds, warrants or other legal evidences of indebtedness heretofore issued by counties or defined road districts of this State, which mature on or after January 1, 1933, in so far as amounts of same were issued for and proceeds have been actually expended in the construction of roads that constituted

and comprised a part of the system of designated State highways on September 17, 1932, or which subsequent to such date and prior to January 2, 1939, have been designated a part of the System of State Highways and declared by the Board of County and District Road Indebtedness prior to January 2, 1945, to be eligible to participate in the distribution of the moneys in the County and Road District Highway Fund under the provisions of existing laws; (2) for the fiscal year beginning September 1, 1951, and each fiscal year thereafter, the Comptroller shall place to the credit of the Fund known as the County and Road District Highway Fund the sum of Seven Million, Three Hundred Thousand Dollars (\$7,300,000), said amount to be provided on the basis of equal monthly payments, payable on the first day of each calendar month, which sum shall be allocated by the Board of County and District Road Indebtedness to all of the counties of Texas not later than September 15 of each year, through the Lateral Road Account, as provided under subsection (h) of Section 6, of Chapter 324 of the General and Special Laws of the Forty-eighth Legislature, Regular Session, 1943, as amended by Section 1 of Chapter 319, Acts of the Fiftieth Legislature, 1947; and (3) the Comptroller shall place to the credit of the State Highway Fund the remainder of such one-fourth (1/4) of such tax, said amount to be provided on the basis of equal monthly payments, payable on the first day of each calendar month, which sum shall be used by the State Highway Department for the construction and improvement of Farm-to-Market Roads having the same general characteristics as the roads eligible for construction under subsection 4b of Article XX of House Bill No. 8; Chapter 184, Acts of the Regular Session of the Forty-seventh Legislature, as amended.

"C. All receipts due the Available School Fund which are in the Highway Motor Fuel Tax Fund on August 31st of each fiscal year shall be credited to the Available School Fund on August 31st of each fiscal year."

Sec. 4. All laws or parts of laws in conflict with the provisions of this Act are hereby repealed or modified to the extent of such conflict only.

Sec. 5. The inducement for the passage of this Act is to reduce an esti-

mated deficit in the General Revenue Fund as of August 31, 1959; and thereafter to equalize as nearly as practicable the monetary rates of the State's income and expenditure allocations, so as to minimize the possibility of temporary future deficits in the General Revenue Fund. Therefore, if any Section or provision of this Act shall for any reason be held unconstitutional or invalid in whole or in part, then and in that event this Act shall be invalid and of no force or effect, and the Sections or parts of laws sought to be amended or modified by this Act shall remain in full force and effect.

Sec. 6. The significance of this Act to the relief of present and future deficits in the General Revenue Fund, the importance of a revised financial statement and revenue forecast by the Comptroller prepared under the provisions of this Act, and the crowded condition of the Calendar, together create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage and it is so enacted.

On motion of Senator Aikin and by unanimous consent the amendment was not read but was explained.

Senator Willis offered the following amendment to the amendment.

Amend the Aikin Amendment to H. B. No. 5 by striking out the following words and figures from lines 5 and 6 on page 3:

"One Million, Three Hundred and Fifty Thousand, Four Hundred Dollars (\$1,350,400)" and inserting in lieu thereof the following:

"One Million, Three Hundred Fifty Thousand Dollars (\$1,350,000)" and by further striking out these words and figures that occur in line 10 on page 4:

"Forty Million Dollars (\$40,000,000)" and inserting in lieu thereof the following:

"Forty One Million Seven Hundred Fifty Thousand Dollars (\$41,750,000)"

The amendment to the amendment was read.

On motion of Senator Fly the amendment to the amendment was tabled.



The amendment by Senator Aikin was then adopted.

Senator Aikin offered the following amendment to the bill:

Amend H. B. No. 5 by striking out all above the enacting clause and substitute in lieu thereof the following:

**A BILL  
TO BE ENTITLED**

AN ACT implementing the provisions of Section 49a of Article III of the Constitution of Texas; stating the information the Comptroller is required to furnish the Legislature and the Governor; providing the procedures for arriving at the financial condition of the State in making certifications required in Section 49a of Article III of the Constitution of Texas; providing the Comptroller shall revise his current estimate in accordance therewith; creating the Committee on State Revenue Estimates and describing its duties; amending Section 2, Article XX, Chapter 184, Acts of the Forty-seventh Legislature, Regular Session, 1941, as amended, concerning the allocation of moneys; repealing all laws or parts of laws in conflict herewith; providing the provisions of the Act are not severable; making other provisions relating thereto; and declaring an emergency.

The amendment was adopted.

The bill as amended was passed to third reading.

**House Bill 5 on Third Reading**

Senator Aikin moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 5 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—31**

Aikin	Kazen
Baker	Krueger
Bradshaw	Lane
Colson	Martin
Crump	Moffett
Dies	Moore
Fly	Owen
Fuller	Parkhouse
Gonzalez	Phillips
Hardeman	Ratliff
Hazlewood	Reagan
Herring	Roberts
Hudson	Rogers

Secrest  
Smith  
Weinert

Willis  
Wood

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

**Yeas—31**

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

**House Bill 26 on Second Reading**

The President laid before the Senate on its second reading and passage to third reading the following bill:

H. B. No. 26, A bill to be entitled "An Act amending Sections 2 and 4 of Chapter 237, Acts 1927, Fortieth Legislature, authorizing the governing boards of State educational institutions to make and collect laboratory charges, and 'breakage' or loss deposits; defining and authorizing student service fees to be collected from students enrolled in such institutions; regulating the custody and expenditure of moneys collected through student service fees; providing an effective date; providing for severability; and declaring an emergency."

The bill was read second time.

(Senator Aikin in the Chair.)

Senator Dies offered the following amendment to the bill:

Add to Sec. 4C of H. B. No. 26 the following: "Provided however, no fee for parking services or facilities may be levied on any student except those who choose and desire to use the parking facilities provided."

The amendment was read.

Question on adoption of the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

## Yeas—22

Aikin	Kazen
Baker	Krueger
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Phillips
Fuller	Rogers
Gonzalez	Secrest
Hazlewood	Smith
Herring	Willis
Hudson	Wood

## Nays—8

Fly	Ratliff
Hardeman	Reagan
Lane	Roberts
Parkhouse	Weinert

## Absent

Martin

Senator Moore offered the following amendment to the bill:

Amend H. B. No. 26 Sec. 4(b) by striking out the following words beginning on line (6) six "and any other student activities and services specifically"

The amendment was read.

Question on adoption of the amendment, yeas and nays were demanded.

The amendment failed of adoption by the following vote:

## Yeas—14

Baker	Kazen
Crump	Krueger
Dies	Moore
Fuller	Owen
Gonzalez	Phillips
Herring	Rogers
Hudson	Secrest

## Nays—14

Aikin	Moffett
Bradshaw	Parkhouse
Colson	Ratliff
Fly	Reagan
Hardeman	Roberts
Hazlewood	Smith
Lane	Weinert

## Absent

Martin	Wood
Willis	

Senator Owen offered the following amendment to the bill:

Amend H. B. No. 26 by adding a new section as follows:

Sec. 2a. In addition to all other fees authorized hereunder such educational institution shall make and collect a parking permit fee of not less than \$15.00 nor more than \$30.00 per semester or summer session; provided however this section shall be mandatory upon only such students as shall desire and use campus parking facilities.

The amendment was read.

Senator Fly moved to table the amendment.

Question on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

## Yeas—23

Aikin	Moffett
Baker	Moore
Colson	Parkhouse
Dies	Phillips
Fly	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Secrest
Hudson	Smith
Krueger	Weinert
Lane	Willis
Martin	

## Nays—7

Crump	Owen
Fuller	Rogers
Gonzalez	Wood
Kazen	

## Absent

Bradshaw

Senator Krueger offered the following amendment to the bill:

Amend Sec. 4a of H. B. No. 26 by adding the following sentence "No fee or fees shall be compulsory upon any student unless or until said student signifies in writing to said governing boards that he or she is participating in a student activity or service covered by this Act."

The amendment was read.

Senator Dies moved to table the amendment.

Question on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

**Yeas—20**

Aikin	Lane
Baker	Owen
Bradshaw	Parkhouse
Colson	Ratliff
Crump	Reagan
Dies	Roberts
Fly	Smith
Hardeman	Weinert
Hazlewood	Willis
Herring	Wood

**Nays—11**

Fuller	Moffett
Gonzalez	Moore
Hudson	Phillips
Kazen	Rogers
Krueger	Secrest
Martin	

Senator Moore offered the following amendment to the bill:

Amend H. B. No. 26, Section 4, subsection "b" line six by deleting "Student government and any other student activities and services specifically"

The amendment was read.

Senator Fly moved to table the amendment.

Question on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

**Yeas—16**

Aikin	Martin
Bradshaw	Moffett
Colson	Parkhouse
Dies	Ratliff
Fly	Reagan
Hardeman	Roberts
Hazlewood	Smith
Lane	Weinert

**Nays—15**

Baker	Moore
Crump	Owen
Fuller	Phillips
Gonzalez	Rogers
Herring	Secrest
Hudson	Willis
Kazen	Wood
Krueger	

Senator Gonzalez offered the following amendment to the bill:

Amend Sec. 2 on page 2, line 34, delete between the word "exceed" and the word "for" "Thirty Dollars (\$30.00)" and insert in lieu thereof "Seventeen Dollars (\$17.00)."

The amendment was read.

On motion of Senator Fly the amendment was tabled.

On motion of Senator Fly and by unanimous consent the caption was amended to conform to the body of the bill as amended.

Question on the passage of H. B. No. 26 to third reading, yeas and nays were demanded.

The bill was passed to third reading by the following vote:

**Yeas—20**

Aikin	Moffett
Baker	Moore
Bradshaw	Owen
Colson	Parkhouse
Dies	Ratliff
Fly	Reagan
Hardeman	Roberts
Hazlewood	Smith
Herring	Weinert
Lane	Wood

**Nays—11**

Crump	Martin
Fuller	Phillips
Gonzalez	Rogers
Hudson	Secrest
Kazen	Willis
Krueger	

**Motion to Place**

**House Bill 26 on Third Reading**

Senator Fly moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 26 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving four-fifths vote of the Members present):

**Yeas—20**

Aikin	Fly
Baker	Hardeman
Bradshaw	Hazlewood
Colson	Herring
Dies	Lane

Martin  
Moffett  
Moore  
Parkhouse  
Ratliff

Reagan  
Roberts  
Smith  
Weinert  
Wood

Nays—11

Crump  
Fuller  
Gonzalez  
Hudson  
Kazen  
Krueger

Owen  
Phillips  
Rogers  
Secrest  
Willis

#### Notice of Executive Session

Senator Reagan gave notice that he would on tomorrow make a motion for an Executive Session.

#### Adjournment

On motion of Senator Hardeman the Senate at 12:10 o'clock p.m. adjourned until 10:00 o'clock a.m. tomorrow.

**In Memory of**

**Bedford B. Harlan**

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Senator Aikin offered the following resolution:

(Senate Resolution 103)

Whereas, God, in His infinite wisdom, has called from these earthly labors Bedford B. Harlan of Paris, Texas; and

Whereas, Mr. Harlan was an outstanding citizen and leader in his community; and

Whereas, He had contributed freely of his time and means to Paris Junior College, and particularly to its farm and dairy program; and

Whereas, Both his community and his state have suffered a great loss in his passing; now, therefore, be it

Resolved, by the Senate, That copies of this resolution be mailed to members of his family expressing our deep sympathy, and that a page in the Senate Journal be set aside in his memory.

The resolution was read and was adopted by a rising vote of the Senate.

**In Memory of**

**H. R. Marks**

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Senator Aikin offered the following resolution:

(Senate Resolution 104)

Whereas, The Supreme Architect of the Universe has called from these earthly labors H. R. Marks; and

Whereas, Mr. Marks was an outstanding citizen and capable peace officer, having served twenty-seven years in the police department of the City of Paris, Texas, and as chief of police since 1948; and

Whereas, Mr. Marks had received state and national recognition for his outstanding service as an administrator and as an officer; and

Whereas, He was loved and respected by those with whom he worked, because of his kind disposition and his willingness to help his fellowman at every opportunity; and

Whereas, The Senate desires to pay tribute to the memory of this fine man and distinguished citizen; now, therefore, be it

Resolved, That a page be set aside in the Senate Journal for this resolution, and that a copy of the resolution be sent to the members of his family, expressing our sympathy in their great loss.

The resolution was read and was adopted by a rising vote of the Senate.

In Memory of

**Joseph Marotta**

---

Senator Gonzalez offered the following resolution:

(Senate Resolution 107)

Whereas, The Universal Father, in His infinite wisdom, did on the 12th day of June, 1959, remove from his earthly labors, Mr. Joseph Marotta; and

Whereas, Mr. Marotta was born sixty-five years ago and is a native of San Antonio, Texas; and

Whereas, The People of Texas and San Antonio mourn the passing of this very fine man who was prominent in business and civic activities. He was a well-known contractor and lumber businessman who devoted his time to serving his fellowman; and

Whereas, Mr. Marotta had a great influence on the civic, charitable and religious progress of San Antonio; and

Whereas, He is survived by his widow, Herlinda; his daughters, Sister Mary Dominic, C.D.P., and Mrs. Jose San Martin, wife of Councilman Dr. Jose San Martin; his sons, Joseph, Jr., Jesse and Vincent Marotta; sister, Mrs. Catherine Morello; and brothers, Fernando, Anthony, Alfred and Louis Marotta; now, therefore, be it

Resolved, That it is the desire of the Senate to pay tribute to this fine citizen and his family; and be it further

Resolved, That when the Senate adjourns today, it do so in memory of Mr. Joseph Marotta and that a page in the permanent Senate Journal be devoted to the recording of this resolution; and be it further

Resolved, That enrolled copies of this resolution be forwarded to the surviving members of his family as a token of respect and sympathy.

The resolution was read and was adopted by a rising vote of the Senate.